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A COLOMBIAN VIEW OF THE PANAMA CANAL QUESTION.

BY RAÚL PÉREZ.

MUCH misapprehension prevails in the United States as to the reasons why Colombia hesitates with regard to the ratification of the Panama Canal treaty. There is a universal opinion here that Colombians can have no sane motive for reluctance in the matter, and that the delay must result either from cupidity or from vagaries inexplicable to the rational mind. The popular belief exists that no Colombian can advance a logical excuse for withholding consent to a transaction which is supposed in the United States to be of inestimable value to his country.

The facts as they should be understood may be stated thus:

First: Neither the Colombian Executive nor an ordinary Congress can constitutionally ratify a treaty that involves a cession of territory to a foreign Power;

Second: The canal will not be of as much benefit to Colombia as those who are unfamiliar with the situation assume;

Third: Colombians firmly believe that there are other solutions to the problem, which, besides being fair and legal, would permanently satisfy both the United States and Colombia.

The most important matter to be settled with regard to opening the canal is that of exactly defining the status of the party that will carry on the enterprise. It is evident at a glance that there is a wide difference between a private corporation, such as the *Compagnie Universelle du Canal de Panama*, and the powerful government of the United States of America. The Company has been doing and was to do business under the protection of the Colombian laws, subject to those laws in every detail; being considered simply as any other "juridical person"—that is, any Colombian citizen—in accordance with the fourteenth article of

the Constitution, which reads as follows: "Companies or corporations, registered in Colombia as juridical persons, will have no further rights than those granted to Colombian citizens."

If the substitution of the United States government for the *Compagnie Universelle* were once effected, and the consequent transference of rights carried out, would the United States submit to be considered merely a "juridical person," with no more rights than any other Colombian citizen carrying on business in Colombian territory, under protection of the Colombian laws and subject to those laws in every respect? Such is not the spirit of the Herran-Hay treaty; and, even if it were, Colombians would have plausible reasons for misgivings or apprehensions on that point. No one willing to consider the situation with absolute impartiality can criticise those who desire that the status of the Panama Canal builders should be most clearly defined, particularly in a case where a World Power is to be the builder.

Article 21, of the Salgar-Wyse contract (Colombian law 28 of the year 1878), in full force to-day, reads as follows: "The concessionaries, or those who in the future may succeed them in their rights, may transfer those rights to any other capitalists or financial corporations; but they are expressly forbidden to transfer them or mortgage them, under any consideration, to any foreign nation or government." Nothing could be more explicit, and this legal disposition in itself is enough to invalidate the Herran-Hay treaty.

Let it be well understood that the Colombians—that is, the large majority of those who think and have true patriotic feeling—are decidedly favorable to the opening of the canal by the United States, should the negotiations be concluded in a manner that would result in real and lasting good to their country.

In fixing the status of the builders of the canal, it may be true that there are some difficulties, but none of these are insuperable. It is evident that for a powerful government to be placed in the position of a mere "juridical person," under the laws of a weak and unstable so-called republic, is rather awkward and has no precedent. On the other hand, neither the Colombian Executive nor even the Colombian Congress has the power to make a cession of territory belonging to the Colombian *Nation*.

Only a constitutional convention, whose members should be expressly elected by the people for that purpose, would be em-

powered to cede territory to another country; but it may be safely stated that in no nation of the world would it be possible to find a set of men to assume such responsibility. The proof of this is that, after the Colombian dictator has himself chosen his own unconditional supporters as members of the Congress about to meet, the feeling exists that these "picked men" will not dare approve the cession of the Panama territory.

It may be cited that France sold Louisiana, and Russia the Alaskan Peninsula, to the United States, but the conditions were very dissimilar. Neither Louisiana nor Alaska was truly an integral part of the actual national territory of France or Russia. Both were distant colonies. Panama is bone of the bone and blood of the blood of Colombia, and has always been her cherished hope.

It may be argued that, in a country of misrule and continual trespassing of the Constitution, of human laws, and even of laws divine and natural, one more disregard of law is a trifling matter; but all the wrongs in the world will not make one more wrong right, and it is not honorable to enter into an irregular dealing with another party under the pretext that he is a rascal. Such a course might seem correct to those who have an inextinguishable contempt for the South-American republics; but the criticism arising from an illegal procedure in this matter would likewise apply to the United States.

Rascality is not the term that befits the character of the Colombian people. We Colombians are extremely unfortunate and unhappy, owing to the existence in our land of two bitterly contending parties, representing diametrically opposed views, with regard not only to government but the very conceptions of life. One is a medieval, fanatical, and autocratic party, professing that the good of the people lies in complete ignorance and absolute submission to the church, with no other guidance through the world but unlimited faith in the priesthood. The other is a liberal, progressive, enlightened party, which believes that the people will not and cannot obtain any rational degree of comfort and stability except through popular and universal education, and after securing some independence from the iron control of the clergy.

The enlightened classes of Colombia believe that in the Isthmus of Panama their country holds something of value for all time, and they feel that such property is not exclusively their own, but

that it is the patrimony of all future generations of Colombians, who will execrate their memory should they squander the national birthright.

The ten millions of dollars that Colombia would receive as the only compensation is considered inadequate, and the same would be the case if the sum were increased to fifty millions. This may sound preposterous on first consideration, but not to those who know that the money would be distributed among the dictator's clique and the religious orders, that it would thus serve but to strengthen the fetters that already cut the Colombian flesh to the bone, and that posterity would only contemplate its heritage turned into deeper ignorance and more ignominious slavery in proportion to the larger amount received.

There is also a very erroneous impression to the effect that the canal when completed will have a great beneficial influence on our country. The conditions as they exist to-day place Colombia in the position of the owner of a bridge, over which an immense traffic is constantly passing. There are many steamship lines converging on the ports of Panama and Colon that load and unload there enormous quantities of merchandise in transit, while large numbers of passengers are compelled to stop at both ends of the trans-Isthmian railroad. All such patronage is very valuable to the Isthmus; and, being terminals, both ports have naturally considerable importance. Such will not be the case when the canal is opened. Steamers will go through as rapidly as possible, the passengers dreading the unhealthy climate. There will be no loading and unloading of cargoes; the ports will no longer be terminals nor perhaps even coaling stations, and they will not have anything else to place on board but the scanty products of their own immediate neighborhood.

It must be borne in mind that the Isthmus is a strip of land utterly detached from the remainder of Colombia, separated by an immense tract of low, marshy land, which is covered with virgin forests, where not a single road exists, and into which but few explorers have penetrated under the greatest hardships and at the extreme peril of life.

Neither Panama, Colon, nor any other port on the Isthmus leads to any part of the settled regions of Colombia. The country has many ports on both the Atlantic and Pacific oceans which are much nearer the interior and are comparatively easy of access.

The only gain with regard to trade—and even that is problematical—might be for a strip of land some three hundred miles long and fifty miles wide, situated on the Pacific coast. The productions of that region, entirely tropical and chiefly consisting of chocolate, have already good markets in Chile and on the western coast of the United States, and it remains to be demonstrated that the freight rates through the canal would be low enough to enable the chocolate planters of the Colombian Pacific coast to compete with the Venezuelan product on the Atlantic side. In any case, that narrow Pacific region is the only portion of Colombian territory that could derive advantage from the canal. Every country in the world would be a gainer rather than Colombia.

The facts stated are perfectly well known to Colombians, who from the time of Bolivar have imagined that within the narrow strip linking the two American continents, Colombia held her great trump card. It would be an unspeakable disappointment to them to see that advantage fall into other hands, with no return but a few millions of dollars to be employed not for but against their welfare and prosperity. Indeed, so strong is this sentiment that it seems more patriotic to feel that no compensation at all would be preferable. There are many who maintain that a seizure of the Isthmus by a World Power would be more satisfactory, inasmuch as Colombians would be in a position to repeat in all coming years the phrase: "*Tout est perdu, fors l'honneur.*" The rights of Colombia in that case would hold good forever, and the day might come when they would be revindicated; but no such hope could be entertained if the dishonest band of clericals, who act as the government of Colombia, give a seemingly legal consent to the transaction.

The members of that band are in favor of the canal, not because they believe it to be of practical good to their country, and not because they have any love or admiration for the United States, but simply because they see the possibility of securing ten millions of dollars to be applied to their own purposes. They argue more or less thus: "The Isthmus is a segregated limb of the country where we have not full sway. We may just as well abandon it in exchange for ten millions of dollars with which to establish our uncontested dominion in the rest of the territory."

The other enthusiastic supporters of the canal treaty as it stands are the shortsighted inhabitants of the Isthmus, who long

to kill the goose that lays the golden eggs. They see in the near future a boom for their region—excavation contracts, which they imagine will be as profitable as were those of the good old times of the *Compagnie Universelle*; an increase in the value of property; thousands of people coming to make their fortunes, and all the business opportunities attending an undertaking of this kind.

They do not stop to consider what their exact situation will be after the work is completed. Will it be any better than that of the region near the Suez Canal? There are good reasons to foresee that it may be less important. Egypt is visited by tourists from every quarter of the globe. The Isthmus of Panama offers no allurements to the traveller or the archæologist. From their unhealthy shores, the Isthmians could only watch the ocean steamers transport the productions of the world without even pausing for the briefest greeting. Their position might be compared with that of a small town which sees its one slow train suddenly transformed into a lightning express. In the one case, they can take the train at will and may avail themselves of its other advantages; in the other, they could do nothing but boast that the great express flashes past their windows. For more than three centuries, ships of all nations have been regularly going through the Magellan Straits, and yet the shores of the Fire Islands and Patagonia continue to be as barren as when the continent was discovered.

What the Colombians would like to do about the canal would be to have their country hold a permanent interest in the enterprise as a partner of the United States, deriving an income that would benefit not a few officials and one political party but all the people for generations to come. There is no reason why a partnership of that nature could not be successfully carried out, in the same way as a partnership between individuals. All details could be deliberately and safely settled between the two countries to the entire satisfaction of both, bearing in mind that a century in the life of a nation counts no more than one year in the life of a man, and that the canal must be of vast consequence for ages. The desire to cut the canal open as rapidly as possible is praiseworthy, but it is more important to lay first the solid foundations of the transaction and establish the exact limitations of the rights of those concerned, so as to avoid all possible friction in the future.

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